

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LESTER A. KOELLING,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,¹

Defendant.

No. 4:05-CV-2217 CAS

ORDER

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge David D. Noce filed January 23, 2007. See 28 U.S.C. § 636(b). The Magistrate Judge recommended that the decision of the Commissioner denying plaintiff's application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401, et seq., be affirmed. Neither party has filed an objection to the recommendation and the time to do so has passed.

After careful review of the matter, the Court concurs with the recommendation of the Magistrate Judge that the Commissioner's decision in this matter should be affirmed pursuant to sentence four of 42 U.S.C. § 405(g).

¹Michael J. Astrue became the Commissioner of Social Security on February 12, 2007. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue should be substituted for Commissioner Jo Anne B. Barnhart as Defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

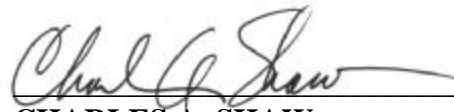
Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge is **sustained, adopted and incorporated** herein. [Doc. 19]

IT IS FURTHER ORDERED that the decision of the Commissioner is **AFFIRMED**.

IT IS FURTHER ORDERED that the decision of the Commissioner denying plaintiff's application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401, et seq., is **AFFIRMED**.

An appropriate judgment will accompany this order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 14th day of February, 2007.